

HUMAN SERVICES BOARD

INTRODUCTION

DISCUSSION

ORDER

The petitioner's appeal is dismissed for lack of legal standing and subject matter jurisdiction.

REASONS

The Legislature has defined who has standing to bring an action before the Human Services Board; the applicable provisions are found at 3 V.S.A. § 3091(a) which states:

An applicant for or a recipient of assistance, benefits, or social services from the department for children and families, the office of Vermont health access, and the department of disabilities, aging and independent living, the division of mental health of the department of health, or an applicant for a license from one of those departments or offices, or a licensee, may file a request for fair hearing with the human services board. An opportunity will be granted to any individual requesting a hearing because his or her claim for assistance, benefits or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other agency action affecting his or her receipt of assistance, benefits, or services, or license or license application; or because the individual is aggrieved by agency policy as it affects his or her situation.

The petitioner does not allege that he is an applicant for or recipient of benefits or services from any of the agencies named in the above statute. The Department of Corrections is not named in the above statute, and the petitioner does not cite any other statutory provision referring these types of appeals to the Human Services Board. Therefore, it must be concluded that the petitioner does not

have standing to pursue an appeal of that Department's decision in this matter to the Human Services Board.

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